Before the Federal Communications Commission Washington, D.C. 20554

In the Matter of)	
DAVID E. SANDERS)	
Licensee of Amateur Service Station W4DES)	

ORDER PROPOSING MODIFICATION

Adopted: April 3, 2009 Released: April 6, 2009

By the Deputy Chief, Mobility Division, Wireless Telecommunications Bureau:

- 1. *Introduction*. For the reasons set forth below, we propose to modify the operator privileges of David E. Sanders (Sanders), licensee of Amateur Radio Service Station W4DES. Specifically, we propose to modify Sanders's operator license to show Technician Class operator privileges.
- 2. Background. March 18, 2008, the American Radio Relay League Volunteer Examiner Coordinator (ARRL VEC) sent an electronic data file to the Commission requesting that Sanders's operator license for amateur Station W4DES be modified to upgrade from Technician Class to Amateur Extra Class amateur radio operator privileges.¹ Based on this application, the Commission granted Sanders an Amateur Extra Class amateur service operator license on March 18, 2008. This license authorizes Lewis to be the control operator of an amateur station transmitting on frequency bands authorized by Section 97.301(b) of our Rules.²
- 3. By correspondence dated March 18, 2009, ARRL VEC notified the Commission that it had made an error in the March 18, 2008 data file and that Sanders had not qualified for an Amateur Extra Class operator license.³ Therefore, ARRL VEC urged us to modify Sanders's license to correct the operator privileges authorized.
- 4. *Discussion*. We believe that ARRL VEC's request is most properly characterized as an informal request for Commission action under Section 1.41 of the Commission's Rules.⁴ Based on the information now before us, it appears that ARRL VEC intended to request that we modify the operator privileges of the licensee of amateur station W4DES. It also appears to us that the grant of Amateur Extra Class operator privileges to Sanders was erroneous because he did not pass the examination necessary to qualify for an Amateur Extra Class operator license. Rather, he appears to be currently authorized to operate with Amateur Extra Class operator privileges due to an error made during the application process.

See 47 (

¹ See File No. 0003364898 (filed Mar. 18, 2008).

² See 47 C.F.R. § 97.301(b).

³ E-mail dated March 18, 2009, from Perry Green to Rebecca Williams.

⁴ 47 C.F.R. § 1.41.

- 5. We believe that Section 316(a)(1) of the Communications Act of 1934, as amended, provides the appropriate vehicle for resolving this matter.⁵ Section 316(a) permits the Commission to modify a station license if the action will promote the public interest, convenience, and necessity.⁶ We believe that a modification of the license for amateur station W4DES to replace Amateur Extra Class operator privileges with Technician Class operator privileges is appropriate.
- 6. In accordance with Section 1.87(a) of the Commission's Rules,⁷ we will not issue a modification order until Sanders has received notice of our proposed action and has had an opportunity to file a protest. To protest the modification, Sanders must, within thirty days of the release date of this *Order Proposing Modification*, submit a written statement with sufficient evidence to show that the modification would not be in the public interest. The protest must be filed with the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Room TW-A325, Washington, D.C. 20554.⁸ If no protest is filed, Sanders will have waived his right to protest the modification and will be deemed to have consented to the modification.
- 7. Conclusion. For the reasons stated above, we conclude that the grant of Amateur Extra Class amateur radio operator privileges was improper. Accordingly, we propose to modify the amateur service operator license for amateur station W4DES by replacing Amateur Extra Class operator privileges with Technician Class operator privileges.
- 8. ACCORDINGLY, IT IS PROPOSED, pursuant to Sections 4(i) and 316(a) of the Communications Act of 1934, 47 U.S.C. §§ 154(i), 316, and Section 1.87 of the Commission's Rules, 47 C.F.R. § 1.87, that the license of David E. Sanders for amateur service Station W4DES BE MODIFIED by replacing Amateur Extra Class operator privileges with Technician Class operator privileges.
- 9. IT IS FURTHER ORDERED that this *Order Proposing Modification* shall be sent by certified mail, return receipt requested, to Mr. David E. Sanders, 117 Old Cooper Sq., Chapel Hill, NC 27517.
- 10. This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone Deputy Chief, Mobility Division Wireless Telecommunications Bureau

⁵ 47 U.S.C. § 316(a)(1).

⁶ *Id*.

⁷ 47 C.F.R. § 1.87(a).

⁸ The address for FCC locations should be used only for documents filed by United States Postal Service first-class mail, Express Mail, and Priority Mail. Hand-delivered or messenger-delivered documents for the Commission's Secretary are accepted only at our location at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. Other messenger-delivered documents, including documents sent by overnight mail (other than United States Postal Service, Express Mail, and Priority Mail) should be addressed for delivery to 9300 East Hampton Drive, Capitol Heights, MD 20743. *See* FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd 22165 (2001).